

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NUMBER: 10-20123  
HONORABLE VICTORIA A. ROBERTS

v.

DAVID BRIAN STONE, ET. AL.,

Defendant.

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**ORDER DENYING AS MOOT DEFENDANTS' MOTION TO COMPEL  
DISCLOSURE OF *BRADY* AND *GIGLIO* MATERIAL**

Defendant David Brian Stone, Jr. moves to compel the Government to disclose certain information (outlined on pages 3-6 of his Motion) if it is favorable to the defense, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 105 (1972). (Doc. # 480). Defendants Michael Meeks, Thomas Piatek, Tina Mae Stone, Jacob Ward, David Brian Stone, and Joshua Stone join.

The Government says it already provided – or will provide – all *Brady* and *Giglio* materials to Defendants. It addresses Defendants' specific requests on pages 4-6 of its Brief in Response. (Doc. # 504).

The *Brady* doctrine obligates the government to disclose to the defense evidence that is favorable to the accused and material to guilt or punishment. *United States v. Presser*, 844 F.2d 1275, 1281 (6th Cir. 1988). And, under *Giglio*, the government must disclose evidence affecting the credibility of a witness whose reliability may be determinative of guilt or innocence. *United States v. Blood*, 435 F.3d 612, 627 (6th Cir.

2006).

The Government is the sole judge of what information is both favorable to the accused and material to guilt or punishment, and what in its possession is subject to disclosure. *Presser*, 844 F.2d at 1281. The Government says it already disclosed all known *Brady* material; therefore, Defendants' *Brady* request is moot. Likewise, the Government says it agreed to turn over additional *Giglio* material on January 16, 2012. The Court instructed the Government not to provide that information until it decides the pending motion for protective order. (See Doc. # 557). The Court will rule on that motion shortly, and the Government will be obligated to disclose any known impeaching information. Thus, Defendants' *Giglio* request is moot as well.

Defendants' Motion to Compel Disclosure of *Brady* and *Giglio* material is  
**DENIED AS MOOT.**

**IT IS ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: January 17, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on January 17, 2012.

S/Linda Vertriest  
Deputy Clerk